रजिस्ट्री सं. डी-(डी)-72 REGISTERED No. D-(D)-72

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 1
PART II—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 86] नई दिल्ली, सोमवार सितम्बर 24, 1984/आश्विन 2, 1906
No. 86] NEW DELHI, MONDAY SEPTEMBER 24, 1984/ASVINA 2 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 24th September, 1984/Asvina 2, 1906 (Saka)

The following Act of Parliament received the assent of the President on the 24th September, 1984, and is hereby published for general information:—

THE LAND ACQUISITION (AMENDMENT) ACT, 1984
No. 68 OF 1984

[*24th September*, 1984]

An Act further to amend the Land Acquisition Act, 1894.

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Land Acquisition (Amendment) Act, 1984.

1 of 1894.

Amendment of section 1

2. In sub-section (2) of section 1 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), for the words, figures and letters "the territories which, immediately before the 1st November, 1956 were comprised in Part B States; and", the words "the State of Jammu and Kashmir." shall be substituted.

Amendment of section 3

3. In section 3 of the principal Act,—

(*a*) after clause (*a*), the following clause shall be inserted, namely:—

'(*aa*) the expression "local authority" includes a town planning authority (by whatever name called) set up under any law for the time being in force;';

(b) after clause (c), the following clause shall be inserted, namely:—

'(cc) the expression "corporation owned or controlled by the State" means any body corporate established by or under a Central, Provincial or State Act, and includes a Government company as defined in section 617 of the Companies Act, 1956, a society registered under the Societies Registration Act, 1860, or under any corresponding law for the time being in force in a State, being a society established or administered by Government and a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, being a co-operative society in which not less than fifty-one per centum of the paid-up share capital is held by the Central Government, or by any State Government or Governments, or partly by the Central Government and partly by one or more State Governments;'; 1 of 1956. 21 of 1860.

(c) for clause (e), the following clause shall be substituted, namely:—

'(e) the expression "Company" means—

(i) a company as defined in section 3 of the Companies Act, 1956, other than a Government company referred to in clause (cc); 1 of 1956

(ii) a society registered under the Societies Registration Act, 1860, or under any corresponding law for the time being in force in a State, other than a society referred to in clause (cc); 21 of 1860

(iii) a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State, other than a co-operative society referred to in clause (cc);';

(d) for clause (f), the following clause shall be substituted, namely:—

'(f) the expression "public purpose" includes—

(i) the provision of village-sites, or the extension, planned development or improvement of existing village-sites;

(ii) the provision of land for town or rural planning;

(iii) the provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned;

(iv) the provision of land for a corporation owned or controlled by the State;

(v) the provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation of any scheme undertaken by Government, any local authority or a corporation owned or controlled by the State;

(vi) the provision of land for carrying out any educational, housing, health or slum clearance scheme sponsored

by Government or by any authority established by Government for carrying out any such scheme, or, with the prior approval of the appropriate Government, by a local authority, or a society registered under the Societies Registration Act, 1860, or under any corresponding law for the time being in force in a State, or a co-operative society within the meaning of any law relating to co-operative societies for the time being in force in any State;

(*vii*) the provision of land for any other scheme of development sponsored by Government, or, with the prior approval of the appropriate Government, by a local authority;

(*viii*) the provision of any premises or building for locating a public office,

but does not include acquisition of land for Companies;';

(*e*) in clause (*g*), in the proviso, in clause (*iii*), for the words and figures "Chapter XXXI of the Code of Civil Procedure", the words and figures "Order XXXII of the First Schedule to the Code of Civil Procedure, 1908" shall be substituted.

1 of 1860.

5 of 1882.

of 1908.

4. In sub-section (*1*) of section 4 of the principal Act,— Amendment of section 4.

(*a*) after the words "any public purpose", the words "or for a Company" shall be inserted;

(*b*) after the words "Official Gazette", the words "and in two daily newspapers circulating in that locality of which at least one shall be in the regional language" shall be inserted;

(*c*) after the words "in the said locality", the brackets and words "(the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the notification)" shall be inserted.

5. In section 5A of the principal Act,— Amendment of section 5A.

(*a*) in sub-section (*1*), for the words "within thirty days after the issue of the notification", the words "within thirty days from the date of the publication of the notification" shall be substituted;

(*b*) in sub-section (*2*), for the words "either in person", the words "in person or by any person authorised by him in this behalf" shall be substituted.

6. In section 6 of the principal Act,— Amendment of section 6.

(*a*) in sub-section (*1*),—

(*1*) for the first proviso, the following proviso shall be substituted, namely:—

"Provided that no declaration in respect of any particular land covered by a notification under section 4, sub-section (*1*),—

(*i*) published after the commencement of the Land Acquisition (Amendment and Validation) Ordinance, 1967, but before the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of three years from the date of the publication of the notification; or

of 1967.

(*ii*) published after the commencement of the Land Acquisition (Amendment) Act, 1984, shall be made after the expiry of one year from the date of the publication of the notification:";

(2) the following *Explanations* shall be inserted at the end, namely:—

"*Explanation 1.*—In computing any of the periods referred to in the first proviso, the period during which any action or proceeding to be taken in pursuance of the notification issued under section 4, sub-section (*1*), is stayed by an order of a Court shall be excluded.

Explanation 2.—Where the compensation to be awarded for such property is to be paid out of the funds of a corporation owned or controlled by the State, such compensation shall be deemed to be compensation paid out of public revenues.";

(*b*) in sub-section (2), for the words ", and shall state", the words and brackets "and in two daily newspapers circulating in the locality in which the land is situate of which at least one shall be in the regional language, and the Collector shall cause public notice of the substance of such declaration to be given at convenient places in the said locality (the last of the dates of such publication and the giving of such public notice, being hereinafter referred to as the date of the publication of the declaration), and such declaration shall state" shall be substituted.

Amendment of section 9.

7. In section 9 of the principal Act, in sub-section (*1*), for the words and figures "registered under Part III of the Indian Post Office Act, 1866", the words and figures "registered under sections 28 and 29 of the Indian Post Office Act, 1898" shall be substituted. 14 of 1866. 6 of 1898.

Amendment of section 11.

8. Section 11 of the principal Act shall be re-numbered as sub-section (*1*) of that section, and,—

(*a*) in sub-section (*1*) as so re-numbered, the following provisos shall be inserted at the end, namely:—

"Provided that no award shall be made by the Collector under this sub-section without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorise in this behalf:

Provided further that it shall be competent for the appropriate Government to direct that the Collector may make such award without such approval in such class of cases as the appropriate Government may specify in this behalf.";

(*b*) after sub-section (*1*) as so re-numbered, the following sub-sections shall be inserted, namely:—

"(*2*) Notwithstanding anything contained in sub-section (*1*), if at any stage of the proceedings, the Collector is satisfied that all the persons interested in the land who appeared before him have agreed in writing on the matters to be included in the award of the Collector in the form prescribed by rules

made by the appropriate Government, he may, without making further enquiry, make an award according to the terms of such agreement.

(3) The determination of compensation for any land under sub-section (2) shall not in any way affect the determination of compensation in respect of other lands in the same locality or elsewhere in accordance with the other provisions of this Act.

16 of 1908. (4) Notwithstanding anything contained in the Registration Act, 1908, no agreement made under sub-section (2) shall be liable to registration under that Act.".

Insertion of new section 11A.

9. After section 11 of the principal Act, the following section shall be inserted, namely:—

Period within which an award shall be made.

"11A. The Collector shall make an award under section 11 within a period of two years from the date of the publication of the declaration and if no award is made within that period, the entire proceedings for the acquisition of the land shall lapse:

Provided that in a case where the said declaration has been published before the commencement of the Land Acquisition (Amendment) Act, 1984, the award shall be made within a period of two years from such commencement.

Explanation.—In computing the period of two years referred to in this section, the period during which any action or proceeding to be taken in pursuance of the said declaration is stayed by an order of a Court shall be excluded.".

Insertion of new section 13A.

10. After section 13 of the principal Act, the following section shall be inserted, namely:—

Correction of clerical errors, etc.

"13A. (1) The Collector may, at any time but not later than six months from the date of the award, or where he has been required under section 18 to make a reference to the Court, before the making of such reference, by order, correct any clerical or arithmetical mistakes in the award or errors arising therein either on his own motion or on the application of any person interested or a local authority:

Provided that no correction which is likely to affect prejudicially any person shall be made unless such person has been given a reasonable opportunity of making a representation in the matter.

(2) The Collector shall give immediate notice of any correction made in the award to all the persons interested.

(3) Where any excess amount is proved to have been paid to any person as a result of the correction made under sub-section (1), the excess amount so paid shall be liable to be refunded and in the case of any default or refusal to pay, the same may be recovered as an arrear of land revenue.".

Amendment of section 14.

14 of 1882. 5 of 1908. **11** In section 14 of the principal Act, for the words "Code of Civil Procedure", the words and figures "Code of Civil Procedure, 1908" shall be substituted.

Insertion of new section 15A.

12. After section 15 of the principal Act, the following section shall be inserted, namely:—

Power to call for records, etc.

"15A. The appropriate Government may at any time before the award is made by the Collector under section 11 call for any record of any proceedings (whether by way of inquiry or otherwise) for the purpose of satisfying itself as to the legality or propriety of any finding or order passed or as to the regularity of such proceedings and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the appropriate Government shall not pass or issue any order or direction prejudicial to any person without affording such person a reasonable opportunity of being heard.".

Amendment of section 17.

13. In section 17 of the principal Act,—

(*a*) in sub-section (*1*), for the words "take possession of any waste or arable land needed for public purposes or for a Company", the words "take possession of any land needed for a public purpose" shall be substituted;

(*b*) in sub-section (*2*), after the words "access to any such station,", the words "or the appropriate Government considers it necessary to acquire the immediate possession of any land for the purpose of maintaining any structure or system pertaining to irrigation, water supply, drainage, road communication or electricity," shall be inserted;

(*c*) after sub-section (*3*), the following sub-sections shall be inserted, namely:—

"(*3A*) Before taking possession of any land under sub-section (*1*) or sub-section (*2*), the Collector shall, without prejudice to the provisions of sub-section (*3*),—

(*a*) tender payment of eighty per centum of the compensation for such land as estimated by him to the persons interested entitled thereto, and

(*b*) pay it to them, unless prevented by some one or more of the contingencies mentioned in section 31, sub-section (*2*),

and where the Collector is so prevented, the provisions of section 31, sub-section (*2*), (except the second proviso thereto), shall apply as they apply to the payment of compensation under that section.

(*3B*) The amount paid or deposited under sub-section (*3A*), shall be taken into account for determining the amount of compensation required to be tendered under section 31, and where the amount so paid or deposited exceeds the compensation awarded by the Collector under section 11, the excess may, unless refunded within three months from the date of the Collector's award, be recovered as an arrear of land revenue.";

(*d*) in sub-section (*4*), for the words "after the publication of the notification", the words "after the date of the publication of the notification" shall be substituted.

14. In section 19 of the principal Act, in sub-section (*1*),— **Amendment of section 19.**

(*a*) in clause (*c*), the word "and" occurring at the end shall be omitted;

(*b*) after clause (*c*), the following clause shall be inserted, namely:—

"(*cc*) the amount paid or deposited under sub-section (*3A*) of section 17; and".

15. In section 23 of the principal Act,— **Amendment of section 23.**

(*a*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) In addition to the market value of the land, as above provided, the Court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (*1*), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier;

Explanation.—In computing the period referred to in this sub-section any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.";

(*b*) in sub-section (*2*), for the words "fifteen per centum", the words "thirty per centum" shall be substituted.

16. In section 24 of the principal Act,— **Amendment of section 24.**

(*a*) in clause *sixthly*, the word "or" occurring at the end shall be omitted;

(*b*) in clause *seventhly*, the word "or" shall be inserted at the end, and after the clause as so amended, the following clause shall be inserted, namely:—

"*eighthly*, any increase to the value of the land on account of its being put to any use which is forbidden by law or opposed to public policy.".

17. For section 25 of the principal Act, the following section shall be substituted, namely:— **Substitution of new section for section 25.**

Amount of compensation awarded by Court not to be lower than the amount awarded by the Collector.

"25. The amount of compensation awarded by the Court shall not be less than the amount awarded by the Collector under section 11.".

Amendment of section 28.

18. In section 28 of the principal Act,—

(*a*) for the words "six per centum", the words "nine per centum" shall be substituted;

(*b*) the following proviso shall be inserted at the end, namely:—

"Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Court before the date of such expiry.";

Insertion of new section 28A.

19. In Part III of the principal Act, after section 28, the following section shall be inserted, namely:—

Re-determination of the amount of compensation on the basis of the award of the Court.

"28A. (*1*) Where in an award under this Part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (*1*) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court:

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(*2*) The Collector shall, on receipt of an application under sub-section (*1*), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.

(*3*) Any person who has not accepted the award under sub-section (*2*) may, by written application to the Collector, require that the matter be referred by the Collector for the determination

of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.".

Amendment of section 34.

20. In section 34 of the principal Act,—

(*a*) for the words "six per centum", the words "nine per centum" shall be substituted;

(*b*) the following proviso shall be inserted at the end, namely:—

"Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or deposited before the date of such expiry.".

Omission of section 38.

21. Section 38 of the principal Act shall be omitted.

Amendment of section 38A.

22. In section 38A of the principal Act, for the words, figures and letter "sections 5A, 6, 7, 17 and 50", the words, figures and letter "sections 4, 5A, 6, 7 and 50" shall be substituted.

Amendment of section 39.

23. In section 39 of the principal Act,—

(*a*) for the words, figures and brackets "sections 6 to 37 (both inclusive)", the words, figures and brackets "sections 6 to 16 (both inclusive) and sections 18 to 37 (both inclusive)" shall be substituted;

(*b*) after the words "for any Company", the words "under this Part" shall be inserted.

Amendment of section 40.

14 of 1882.
5 of 1908.

24. In section 40 of the principal Act, in sub-section (*3*), for the words "Code of Civil Procedure", the words and figures "Code of Civil Procedure, 1908" shall be substituted.

Amendment of section 45.

14 of 1866.
6 of 1898.

25. In sub-section (*3*) of section 45 of the principal Act, in the proviso, for the words and figures "registered under Part III of the Indian Post Office Act, 1866", the words and figures "registered under sections 28 and 29 of the Indian Post Office Act, 1898" shall be substituted.

Amendment of section 46.

26. In section 46 of the principal Act, for the words "fifty rupees", the words "five hundred rupees" shall be substituted.

Insertion of new section 51A.

27. After section 51 of the principal Act, the following section shall be inserted, namely:—

Acceptance of certified copy as evidence.

"51A. In any proceeding under this Act, a certified copy of a document registered under the Registration Act, 1908 including a copy given under section 57 of that Act, may be accepted as evidence of the transaction recorded in such document.". 16 of 1908.

Amendment of section 53.

28. In section 53 of the principal Act, for the words "Code of Civil Procedure", the words and figures "Code of Civil Procedure, 1908" shall be substituted. 14 of 1882. 5 of 1908.

Amendment of section 55.

29. In sub-section (*1*) of section 55 of the principal Act,—

(*a*) in the second proviso, for the words "before the expiry of the session in which it is so laid or the successive sessions aforesaid", the words "before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted;

(*b*) after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that every such rule made by the State Government shall be laid, as soon as may be after it is made, before the State Legislature.".

Transitional provisions.

30. (*1*) The provisions of sub-section (*1A*) of section 23 of the principal Act, as inserted by Clause (*a*) of section 15 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to,—

(*a*) every proceeding for the acquisition of any land under the principal Act pending on the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the people], in which no award has been made by the Collector before that date;

(*b*) every proceeding for the acquisition of any land under the principal Act commenced after that date, whether or not an award has been made by the Collector before the commencement of this Act.

(*2*) The provisions of sub-section (*2*) of section 23 and section 28 of the principal Act, as amended by clause (*b*) of section 15 and section 18 of this Act respectively, shall apply, and shall be deemed to have applied, also to, and in relation to, any award made by the Collector or Court or to any order passed by the High Court or Supreme Court in appeal against any such award under the provisions of the principal Act after the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People] and before the commencement of this Act.

(3) The provisions of section 34 of the principal Act, as amended by section 20 of this Act, shall apply, and shall be deemed to have applied, also to, and in relation to,

(*a*) every case in which possession of any land acquired under the principal Act had been taken before the 30th day of April, 1982 [the date of introduction of the Land Acquisition (Amendment) Bill, 1982, in the House of the People], and the amount of compensation for such acquisition had not been paid or deposited under section 31 of the principal Act until such date, with effect on and from that date; and

(*b*) every case in which such possession had been taken on or after that date but before the commencement of this Act without the amount of compensation having been paid or deposited under the said section 31, with effect on and from the date of taking such possession.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 1984